

§ 10010.62

wildlife resources which involve negligible animal mortality or habitat destruction, and no introduction of either exotic organisms or contaminants.

(ii) The operation, maintenance and management of existing facilities and improvements (i.e. structures, roads), including renovations and replacements which result in no or only minor changes in the capacity, use or purpose of the affected facilities.

(iii) The addition of small structures or improvements in the area of existing facilities, which result in no or only minor changes in the capacity, use or purpose of the affected area.

(iv) The reintroduction (stocking) of native or established species into suitable habitat within their historic or established range.

(v) Minor changes in the amounts or types of public use on Commission managed land or land acquired with Commission funds, in accordance with existing regulations, management plans and procedures.

(vi) Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.

(3) Use of Commission-managed or funded lands:

(i) The issuance of special approvals for public use of Commission-managed land or land acquired with Commission funds, which maintains essentially the same level of use and does not continue a level of use that has resulted in adverse environmental effects.

(ii) Permitting a limited additional use of an existing right-of-way over Commission-managed land or land acquired with Commission funds, such as the addition of new power or telephone lines where no new structures or improvements are required, or the addition of buried lines.

(iii) The issuance or reissuance of rights-of-way and special use approvals for Commission-managed land or land acquired with Commission funds that result in no or negligible environmental effects.

(iv) The reissuance of grazing or agricultural use approvals for Commission-managed land or land acquired with Commission funds which do not increase the level of use nor continue a

43 CFR Ch. III (10–1–11 Edition)

level of use that has resulted in adverse environmental effects.

(4) Funding for activities by others:

(i) Planning grants or other funding for planning activities and the administrative determination that plans were prepared in accordance with prescribed standards. However, when the plan is submitted to the Commission for implementation, the program proposed by the plan is subject to the NEPA process.

(ii) Grants or other funding for categorically excluded actions listed in paragraphs (b) (1) through (3) of this section.

(5) Inter-agency Initiatives: Actions where the Commission has concurrence or co-approval with another agency and the action is a categorical exclusion for that agency.

(6) Transfer of the operations and maintenance of Federal lands, water, or facilities to water districts, recreation agencies, fish and wildlife agencies, or other entities where the anticipated operation and maintenance activities are agreed to in a contract or a memorandum of agreement, follow approved Commission policy, and no major change in operation and maintenance is anticipated or a proposed major change in operation and maintenance has previously been the subject of an appropriate NEPA document.

§ 10010.62 Exceptions to categorical exclusions.

The following exceptions apply to individual actions within categorical exclusions (CX). Environmental documents must be prepared for actions which may:

(a) Have significant adverse effects on public health or safety.

(b) Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department of the Interior's National Register of Natural Landmarks.

(c) Have highly controversial environmental effects.

Utah Reclamation Mit. and Con. Com.

§ 10010.62

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

(f) Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.

(g) Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

(h) Have adverse effects on species listed or proposed to be listed on the

List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.

(i) Require compliance with Executive Order 12988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act. However, an action may be categorically excluded following applicable reviews if the action is found to be in conformance with the applicable law or executive order.

(j) Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

